

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WHITE COAT WASTE PROJECT  
7288 Hanover Green Dr.  
Mechanicsville, VA 23111

Plaintiff,

v.

THE UNITED STATES DEPARTMENT OF  
VETERANS AFFAIRS,  
810 Vermont Avenue, NW  
Washington, DC 20420,

Defendant.

Civ. No. 19-1019

**Complaint for Declaratory and  
Injunctive Relief**

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, seeking the release of records related to the United States Department of Veterans Affairs' experiments on dogs.

**Jurisdiction and Venue**

2. This Court has jurisdiction over the parties and subject matter pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

**Parties**

4. Plaintiff White Coat Waste Project, Inc. (WCW) is a bipartisan taxpayer watchdog organization pursuant to Section 501(c)(3) of the Internal Revenue Code, located at 7288 Hanover Green Drive, Mechanicsville, VA, 23111. WCW's mission is

to unite animal-lovers and liberty-lovers to expose and end wasteful taxpayer-funded animal experiments. WCW is the requester of the information at issue in this case.

5. Defendant United States Department of Veterans Affairs is an agency of the United States. The VA has possession, custody, and control of the records WCW seeks.

### **Statement of Facts**

6. WCW is engaged in a years'-long campaign to end wasteful dog experiments conducted by the VA.

7. On November 9, 2018, WCW sent a FOIA request to the VA Central Office FOIA Service (vacofoiiaservice@va.gov) seeking copies of all emails and text messages regarding the VA's use of dogs in experimentation, research, and testing that were sent and received on government equipment (including, but not limited to, desktop computers, laptop computers, tablets, cellular phones) by Secretary Robert Wilkie, Curt Cashour, Rachel Ramoni, from July 23, 2018 to the present.

8. On November 29, 2018, the VA Central Office acknowledged receipt of WCW's request, stated that the records WCW requested were maintained at the Office of the Executive Secretary (OSVA), Office of Assistant Secretary for Public & Intergovernmental Affairs (OP&IA), and the Veterans Health Administration (VHA), and assigned three tracking numbers—19-01685-F, 19-01791-F, and 19-01702-F.

9. The acknowledgement letter provided separate contacts for each of the three tracking numbers. The letter instructed WCW to write the contacts directly “[i]f [WCW] wish[es] to know the status of [its] request.”

10. On April 8, 2019, nearly five months after making its initial request, WCW followed up by email with each of the three contacts identified in the VA' acknowledgement letter inquiring about the status of its request.

11. On April 11, 2019, the contact for request 19-01702-F responded to WCW and stated that she had 40 complex requests in front of WCW's and could not provide any estimate date for a response.

12. As of the date of filing this Complaint, WCW has not received a response to its April 8, 2019 inquiries regarding request 19-01685-F or 19-01791-F.

13. As of the filing of this Complaint, WCW has not received a final determination and response from the VA with regard to its November 9, 2018 request.

14. Pursuant to 5 U.S.C. § 552(a)(6)(C)(i), WCW is deemed to have exhausted its administrative remedies with regard to its November 9, 2018 request because the agency has failed to comply with the statutory time limit.

15. The VA continues to wrongfully withhold the requested records from WCW.

### **Count I: Violation of FOIA**

16. WCW realleges and incorporates by reference the allegations in each of the preceding paragraphs of this Complaint.

17. The Department of Veterans Affairs has wrongfully withheld agency records requested by WCW, in violation of FOIA.

18. WCW and the public have been and will continue to be irreparably harmed until the Department of Veterans Affairs is ordered to comply with WCW's FOIA request.

19. WCW is entitled to injunctive relief with respect to the release and disclosure of the requested documents.

**Request for Relief**

WHEREFORE, WCW respectfully requests that this Court:

(1) Declare the Department of Veterans Affairs' failure to comply with FOIA to be unlawful;

(2) Enjoin the Department of Veterans Affairs from continuing to withhold the public records responsive to WCW's FOIA request and otherwise order the Department of Veterans Affairs to produce the requested public records without further delay;

(3) Grant WCW an award of attorney fees and other litigation costs reasonably incurred in this action, to the extent permitted by law; and

(4) Grant WCW such other and further relief which the Court deems proper.

Date: April 11, 2019

Respectfully submitted,

/s/ Matthew Strugar  
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